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South Carolina House of Representatives

Legislative Update & Research Reports

Ramon Schwartz, Jr., Speaker of the House

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STATE DOCUMENTS

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Legislative Update

Editorial Comment on The Legislature---Part Three

Newspaper editorials during the last part of February and most of March were concerned with a number of issues facing the House--health care costs, highway safety, and the Blue Laws among them. In addition the faithful News and Courier took another vitrolic shot at the General Assembly.

Indigent Health Care Gains Support

Three papers supported the proposed indigent health care plan. The Beaufort Gazette noted the soaring costs of medical treatment, which threaten even those with medical insurance: "If we agree that the needy ought to be medically treated, and if we agree that even those of us with some means of paying for treatment can become needy quickly if we have a lot of illness, we must agree that the burden of medical costs has to be spread among us. Since we're susceptible, we must all contribute to the pool. Those contributions must be through taxation if they are to be fair."

The Spartanburg Herald-Journal supported the plan, even without federal funds: "A loss of federal funds should not sidetrack this program to help offset the cost of health care to indigent persons in the state. It should not because such care is the primary responsibility of local government--not of Washington."

The Island Packet (Hilton Head) stressed the importance of the issue: "...the medically indigent is a priority that will never go away. Working out a system of funding it, while capping its costs, is probably as important as anything our legislators will take up during this session."

General Assembly Using B&C Board as Frontman?

Funding for the indigent program was the subject of commentary by the Greenville News-Piedmont. The N-P noted that "a splendid opportunity to raise state taxes was spotted by Rep. Alex Harvin." The proposal was to replace the expiring federal excise tax on cigarettes with a state tax.

The Greenville paper observed that the proposed indigent care plan might have trouble being funded. "Harvin's announcement could be its salvation by making it painless to fund and additionally enjoyable for dividing up the extra revenue."

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The shrewd News-Piedmont editorial writers addressed this advice: "South Carolina's General Assembly--and the Budget and Control Board that fronts for it--should be more concerned with the shift of program responsibilities from federal to state levels of government."

Blue Laws Must Go

The Chester News & Reporter attacked the Senate bill which would exempt certain counties from Sunday closings. "How can a state pass legislation such as this and realistically expect public respect or compliance?" the News & Reporter demanded.

The paper's own position was clear: "We have long opposed this state's Blue Laws on the basic principle that laws which can't be enforced uniformly on all people and all sections of the state aren't worth the paper they're written on." And the Chester paper had some advice to the House: "As the House begins its deliberations on this always sticky issue, we'd suggest that its members do some serious fine tuning and give us a bill that treats South Carolina as one state."

Closing the Barnwell Site Needs More Thought

In an editorial titled "Don't Be Too Hasty," the Charleston Evening Post admonished House members that, "...before they send Congress the message that they are closing the Barnwell dump unless the regional compact is approved, legislators should make sure they would have a place to put the radioactive waste generated in South Carolina."

Lame Ducks Unlimited

"Lame Ducks" were on the minds of the Greenwood Index-Journal. The paper supported the bill to change the time when county council members take office. The bill moves the installation much closer to the election. "That measure is a good one and ought to get quick approval in the Senate," the paper said. Then, in a veiled aside, it commented, "It wouldn't be asking too much to include some other elected officials in the proposal." No names were mentioned.

Child Safety: Day Care and Information Centers

The North Myrtle Beach Times supported a bill that would require a background check on anyone applying for employment in any state-licensed child care facility, and said bill sponsor Rep. Dick Elliot "must be applauded." The paper concluded that, "If the proposed bill can prevent the sexual molestation of just one child, then the General Assembly's endeavor will have been worthwhile."

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In a related area, the Greenville Piedmont supported creation of a missing person information center which "would sharpen the ability of state law officers to coordinate and accelerate their battle to aid missing and exploited children."

Highway Safety: Drinking Age, Child Restraint Education

Highway safety topics were addressed by four newspapers. The Columbia State supported raising the drinking age to 21 because "it will cause lives to be saved." The Beaufort Gazette was in favor of efforts to raise public awareness on child restraint use, but, referring to the repeal of the helmet laws, said, "we would like to see legislators make decisions about laws that are consistent."

Moped Operators Must Be Older

Two papers weighed in with definite opinions on the subject of mopeds, and who can careen around the public streets on them.

The Charleston Evening Post is in favor of tightening up the laws about moped operations. The Post called such legislation "a step in the right direction that legislators should have taken years ago for safety's sake." However, the Post wants a stronger bill with a minimum operating age of 15, and required road and written tests for license applicants. "Registration and licensing of mopeds should be required not only as a revenue source, but also to provide a means of monitoring ownership and collecting accident-reporting data." Finally the Post urged legislators on: "Efforts shouldn't be spared when safety promotion is the goal."

The fiesty Island Packet of Hilton Head left no doubt how it stands on mopeds, or on motorcycle helmets for that matter.

"Why this state ever agreed to let unlicensed children, as young as 12, operate the low-powered mopeds is beyond our understanding," the Packet proclaimed. The editorial supported a stronger operating law.

Next the Packet took on the motorcycle lobby ABATE (A Brotherhood Against Totalitarian Enactment). ABATE opposes restoring a mandatory helmet law. "We like a good acronym as much as the next chap, but the man from ABATE is all wet, in our opinion," the Packet stated.

Not a journal to be reticent in expressing itself, the Packet maintained that current motorcycle laws "lack penalties sufficient to deter the young and foolish from tempting fate." Those who disagree with the paper received their comeuppance in the final paragraph:

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"Decent regard for human life and the prevention of needless suffering dictates that all moped and motorcycle operators be licensed and be required to wear protective headgear. The S.C. General Assembly should turn a deaf ear to those foolish enough to argue otherwise." Take that, ABATE!

Change Magistrate Appointments? No Way

In an editorial called "Sharing the Spoils," the Charleston Evening Post supported the House bill that makes magistrate appointments contingent upon the approval of a county's legislative delegation—including House members. At present the Senate has the approval power. The Post holds little hope for the bills passage.

"But it won't happen. After all, why should the senators voluntarily dilute one of their few remaining local powers of appointment? It won't happen unless, while we weren't looking, the senators have been transformed into something other than politicians."

News and Courier Fires Broadside

Finally, no review of editorial comment on the General Assembly would be complete without the appearance from an old acquaintance, the Charleston News and Courier. This month the venerable Charleston daily (founded in 1803 and still operating with the same staff) published a choice piece titled "Taking Aim at Legislators."

"In an ideal world," the News and Courier mused, "the reward that would accrue to legislators would be job satisfaction. Public service would, like virtue, be its own reward." Having announced this lofty aim, the paper descended to bleak reality: it is not a perfect world, and people run for public office for several reasons. Some to help their business, some "because they like to wheel and deal." And, there are those who—but let the News and Courier speak:

"Still others, quite obviously, go to Columbia because the job pays better than any they can get back home.

"It is that last class of legislator at which we like to aim when we write about rising costs. It seeks to turn the General Assembly into a job mill. Its membership has greatly increased since the advent of such things as legislative redistricting and single-member districts. Those two developments have created unprecedented opportunities for elevation to office of people who look upon legislative service as little more than a good living.

"To that class of legislator, the perks and pay of office come first and the satisfactions of public service last."

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The virtuous editors of the News and Courier (all of whom serve completely without pay, being rewarded solely with the job satisfaction of running a newspaper) feel it is their duty to "take aim" at such legislators. "Our criticism of them is fully justified. Efforts to keep them from feathering their nest continue to be in order."

The News and Courier does admit that they sometimes "fail to make fair distinctions between them [bad legislators] and others more virtuous....We will try to shoot straighter in the future." Then the paper makes a suggestion that would be certain to wreck the harmony of any county delegation or, indeed, of the entire General Assembly:

"In this imperfect world, it is not always clear to outsiders who on the legislative delegation are the good, bad and indifferent. Legislators themselves must know. Let us in on the secret. If those who are good would tell more about those who are bad and indifferent, critics could shoot straighter and hit harder."

What standards does the News and Courier propose to use to distinguish between the "good, the bad, and the indifferent" legislator? Quality of legislation? Participation in committee meetings, attendance at sessions of the House? Time and effort put in by an individual? Benefit to his or her district and the state? No--none of these factors are mentioned. If these criteria have no bearing in judgement of a legislator, then what is all the shooting and hitting about in the first place?

Correction to Appropriation Research Report

A research report in the March 26 edition of the *Legislative Update* dealt with the General Appropriation Bill recommended by the House Ways and Means Committee. Two corrections need to be made to that report.

On page 3-5, "Regulatory Agencies," the Tax Commission: The Committee recommends funding the Commission at \$2.6 million, which is expected to generate \$9.9 million in additional revenues.

On page 3-6, "Transportation:" The amount of non-recurring funds recommended is \$396,903.

NCSL Education for Work Conference

The National Conference of State Legislatures (NCSL) sponsored a conference, March 23-24 in Charleston, S.C. The title of the conference was "Education for Work: What Options for States?" According to Rod Riffel, conference coordinator, the purpose was "to give state legislators and their staff an overview of a variety of innovative and nontraditional programs that teach the skills needed for obtaining meaningful employment."

"Learning to Work"--How is it Done?

Saturday morning's session featured a panel discussion of various methods of putting young people to work.

Ivan Charner of the National Institute for Work and Learning discussed the "career passports program" operated by his group around the country--recently at the S.C. Opportunity School. With "career passports" young people take a new look at their experiences to see what sort of employable skills they have developed. Even such "non-skilled" occupations as baby-sitting require time-management ability, coordination and dependability, and other qualities which are important to employers. Charner's group trains teachers, guidance counselors and others in using career passports, and these folks pass the techniques along to students.

Ron McCage, Director of the Vocational-Technical Education Consortium of States (V-TECS), explained the Consortium's varying projects. One of the more interesting was the series of "Performance Objectives and Performance Guides" for various occupations. These guides tell exactly what is required for the particular job: for example, the general duties, the individual task, the performance objective that sets the standard, the tools and equipment needed, and the step-by-step process used. There are more than 130 catalogs covering more than 350 job titles. They are used by trainers, vocational counselors, and others.

Dave Shreve of the American Home Builders Institute outlined a joint venture between the Institute and the Washington, D.C. school system to train 40 young persons in home building and repair. The participants will work on three, boarded-up houses in the D.C. area and will receive on-the-job training. Each participant will get a \$70 per week stipend for lunch money, bus fare, and so forth. Later the program will expand to include property management and building maintenance.

How the Military Does It

George Nolfi, Senior Management Analyst for Education and Training with the Department of Defense, outlined the five key points that govern military training:

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1. It is continuous, with lots of reinforcement and review.
2. It is competency-based.
3. There is strong belief in certification and credentials--based in large part on the frequent transfer of personnel.
4. Education is tied to training: "What we teach is what people have to do."
5. What is taught is determined by the user of the services, not the teaching establishment.

The Florida Experience

Sunday morning a panel of Florida legislators, staff and lobbyists discussed a recent Florida law dealing with that state's vocational education system. Representative T.K. Wetherell, the Chair of the House Higher Education Committee, stressed that the main objectives of the new law were effectiveness and accountability. "Legislators are animals that need accountability," Wetherell said.

Legislative analysts from both the House and Senate reviewed the development of the legislation, which was written in coordination with the Vocational system and the educational system. Vocational education in Florida is delivered through a bifurcated system--that is, through separate vocational schools, and also through the public school system and community colleges.

The state is divided into delivery areas, and each delivery area has a coordinating council to determine who shall provide vocational education services. Programs must currently maintain a 70% placement rate to keep their funding. In addition, graduates of programs must demonstrate general skills at an 8th grade level, in addition to particular vocational skills learned.

The Florida vocational education changes were passed in 1984, and there will be changes during the next legislative session. The major concern, according to Rep. Wetherell, was to maintain the present high standards of the Florida school system, and integrate the system into a comprehensive "growth management policy."

Growth management is Florida's number one concern--and no wonder, since areas such as St. Petersburg are reportedly growing at the rate of 6,000 permanent new residents a day.

Prisons For Profit

Background

There has been a lot of attention directed toward the South Carolina correctional system recently due to the lawsuit filed against the state by an inmate because of overcrowded conditions. The case of Nelson v. Leeke was settled on terms that will require the state to build new prisons. The probable closing of Central Correctional Institution has also helped to focus attention on possible solutions to the problems facing South Carolina's prisons.

More than 432,000 Americans are being held in state and federal prisons--a figure that has increased by 80,000 in the past two years. For the last three years, the number of people held in state and federal prisons has been increasing by about 11 percent a year. California leads the nation with 37,000 inmates, up 74 percent since the beginning of this decade. All told, the combined U.S. prison and jail population exceeds 644,000; a community more populous than St. Louis, Boston, Seattle, Denver, Alaska, Wyoming, Vermont, or Delaware.

Many states are finding they do not have the resources available to build more jails for this ever increasing population. Even when resources are available, often the required procedure for building additional prisons takes years. The nation's prisons are already operating at 110 percent of capacity and at least eight states are under court orders to alleviate overcrowding in their jails.

The problem has inspired some strange solutions. Texas prisoners have been kept in tents. Legislators have proposed sending convicts to penal colonies without walls in Alaska, placing them in comas for the duration of their sentences, and forcing them to shave their heads, don day-glo uniforms and work menial jobs for municipalities.

The problems of overcrowding and substandard living conditions are affecting prisons nationwide, and many states are wondering if the solutions lie within the private sector. Prisons for profit are the newest trend in dealing with the astronomical cost of running a prison. Private companies seem ready to take up where the state and federal government leaves off.

This research report was written by Janet Abbazia,
Legislative Intern with the House Research Office.

Economic Factors

First, private corporations are able to complete construction of facilities much faster than the state. Because of bidding requirements and other regulations and procedures, some state facilities can take as long as five years to build, whereas a private company can complete a comparable one in as little as seven months. Second, the companies are able to use nonunion labor which is more cost efficient and they gain tax credits for construction. Thus, there is substantial savings in operating costs; in some cases, 30% or more.

Corrections Corporation of America is the owner of a minimum-security jail in Houston, Texas, capable of housing 350 illegal aliens awaiting deportation. CCA is charging the Immigration and Naturalization Service \$24 a day per inmate—one third less than it now costs the agency. Nationwide, keeping an inmate in prison costs about \$75,000 a year. Joseph Fenton, executive vice president of Buckingham Security, says his company can operate its prison for about \$25,000 an inmate.

The federal government alone now spends \$21 million a year housing 3,200 inmates in 300 privately run structures. Many states are following this practice. "Many public officials hate running jails and find it attractive to get the problem off their backs while saving tax money," said Anthony Travisono, director of the American Correctional Association, in a July 1984 U.S News and World Report article.

Who Uses Private Companies?

Most likely to use the private sector are jurisdictions whose voters are reluctant to finance the replacement of archaic prisons. For example, in New Mexico, where many jails are overcrowded or below par, legislators authorized counties to contract out the building or operation of new facilities. CCA is negotiating such contracts with county officials in a half-dozen states.

Federal officials who must deal with the influx of illegal aliens also use private companies, such as the Houston facility owned by CCA.

Current State of Profit Prisons

The first breakthrough of private industry into the corrections field was in Florida in 1982 when the state signed a contract with the nonprofit Eckerd Foundation to run a state prison for 400 juvenile delinquents. CCA's 350-bed prison in Houston was one of the first big contracts to be made with a for-profit firm. In the works is a 722-bed private institution in Pittsburgh designed to house informants and other inmates who need special protection behind bars. Another firm has signed tentative agreements with eight states to house such prisoners.

Nearly 20 states are negotiating to go private with some of their jails. Behavioral Systems Southwest has already set up detention centers for the Immigration and Naturalization Service in California, Colorado, and Arizona.

How Much Profit is There?

So far, no one is getting rich. RCA Service Co., a unit of Radio Corporation of America, has run a prison for juveniles convicted of serious crimes and has made only "modest" profits. Companies like CCA don't expect to make profits right away. They are using their jails in operation as showplaces to attract clients.

Big money will only come if these companies can crack the market for housing dangerous prisoners. This market will probably remain small however, because most states ban private ownership of maximum-security prisons. For most companies, the financial dangers may also be too great: one riot and the resulting lawsuits could mean bankruptcy.

Corporation Guarantees

Companies like CCA and ACA claim that they are insured to accept full responsibility for any charges of mistreatment of inmates.

Bobby Brantley of CCA stated in a November 1984 segment of 60 Minutes, "...if possible, (we) would even insist that anyone we contract with have someone from that entity who would monitor what we do. We want you looking over our shoulder....But if you are sued, our attorneys will defend you in that suit. If any damages are awarded those damages will be borne by CCA and, thereby, we will reduce the liability exposure of you state."

Arguments Against Private Prisons

A survey for the National Institute of Corrections found that three fourths of state corrections directors would not consider contracting out an entire prison to a private firm. Some officials feared that they would be legally liable if contract guards mistreated inmates. Others, the study reported, are "doubtful that private-sector firms could actually deliver the service at the cost they quoted."

Public-employee unions maintain that private companies would hire unqualified guards at even less money than the already low pay many prison workers currently earn.

Many critics feel that the government is more qualified to supervise convicts behind bars than profit-making companies. Lee Saunders of the American Federation of State, County and Municipal Employees, which represents 40,000 corrections workers, maintained in a U.S. News and World Report article that, "Only government should be limiting people's freedom."

Sandy Rabinowitz, director of the Houston office of the American Civil Liberties Union was quoted in Newsweek as saying, "Food and medical care isn't terrific now. It's easy to see everything going downhill rapidly once money is involved."

There are some civil-rights lawyers among those that do not feel profit-making firms should be allowed to operate prisons. They fear that once strict state supervision is removed, abuses might go unchecked. Local officials fear that they would end up paying for any abuses against prisoners committed by private jailers.

Arguments For Private Prisons

Aside from the economic edge, owners of prison companies feel there are other advantages in using their services.

Flexibility is one advantage. "Government bureaucracy takes a long time to act," says T. Don Hutto of CCA. Some people maintain that injecting a profit motive gives jailers an incentive not only to improve physical surroundings but also to better the lot of prisoners under their charge. Ted Nissen, head of Behavioral Systems Southwest contends, "No one is held accountable now for those who come out of prison, but I work to get jobs for my residents. If I don't, I may lose my contract." In other words, the private prisons are concerned with finding jobs for their prisoners to show that they are doing their job successfully. This is beneficial to the private companies as well as the prisoner.

Conclusion

South Carolina currently faces the decision of what to do about overcrowding in our prisons and whether to renovate CCI or close it down and build a new facility. Corrections officials said up to \$100 million would be needed to build the two 600-bed minimum-to-maximum security facilities that would be needed to replace CCI. The state is also being required to build new prisons as part of the proposed settlement of an inmate's prison overcrowding lawsuit. The state will, of course, be faced with the issue of how to raise the money to build and operate these much needed facilities; CCA and other private correctional services would probably contend they have the solution.

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Around the House

Moving Time in the Blatt Building

The Retirement Division is moving from the Blatt Building into facilities in the old SCN Building (now occupied by NBSC) located at the corner of Main and Lady Streets. When Retirement vacates its space on the second floor, that space will revert to legislative functions; Joint Committees and other legislative operations will be able to obtain relief from various overcrowding situations.

House needs such as for storage (currently one of the formal conference rooms has been pressed into such service) will also be addressed. With this change over, the Blatt Building will be used exclusively for legislative activities except for the S. C. Court of Appeals which will continue its use of one of the first floor conference rooms as its courtroom.

The Operations and Management Committee has already initiated planning for converting the space to legislative usage. A survey of current Joint Committees and task forces which need, or expect in the future to need, space is in progress. Members who are aware of possible needs and who have not been surveyed are urged to contact Sam Carter, Executive Director of Research (324 Blatt/758-5096).

The survey will help the Committee project needs and determine the optimum utilization of the space. Recognizing the transient nature of joint committees and task forces, the Operations and Management Committee is having developed a plan to maximize the flexibility of the space and minimize costs both for now and in the future.

It is anticipated that the Retirement Division will complete its move sometime around the end of the session. It is planned that all other moves within the Blatt Building will be completed by the end of October to ensure minimal disruption of legislative activities.